UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,470	09/20/2001	Richard Francis Russell	2001-0157.02	1706

21972 7590 11/15/2004		EXAMINER
LEXMARK INTERNATIONAL, INC.		REFAI, RAMSEY
INTELLECTUAL PROPERTY LAW DEPARTMENT		

ART UNIT	PAPER NUMBER
2154	

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DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/960,470	RUSSELL ET AL.
	Examiner	**Art Unit**	
	Ramsey M Refai	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 September 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _09/20/2001_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-12 are presented for examination

Specification and Claims

2.   The use of the trademark WINDOWS has been noted in this application. It should be

capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any

manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-5, 7-8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lafky (U.S. Patent No. 6,809,830) in view of Dowling (U.S. Patent No. 6,636,499).

5.   As per claim 1, Lafky teaches a method of creating network printer ports on a computer

workstation, said computer workstation having an operating system that includes a print

subsystem, comprising the steps of:

    providing a network **(51, Figure 1 and column 3, lines 42-43)**;

    communicatively coupling said computer workstation to said network **(column 3, lines**

33-44);

        communicatively coupling at least one printer to said network **(column 3, lines 30-36)**;

        said computer workstation performing the steps of:

            receiving a response packet from said first printer, said response packet including

        printer-specific network information of said first printer **(column 5, lines 18 – 30)**;

            identifying whether a network port exists for said first printer **(column 1, line 55–**

column 2, line 5; a change in the list of device objects results in making a function call to

the dynamic port monitor); and

                if no such network port exists, then creating a first network printer port for said

            first printer based on said printer-specific network information for said first printer

(abstract, lines 9-12 and column 1, line 55 – column 2, line 5; when a new device is detected

by noticing a change in the list of device objects; it then created a port name for the

printer) .

6.   Lafky fails to teach transmitting a discovery packet to which a first printer of a

designated type can respond.

7.   However, Dowling teaches sending discovery protocol packets to neighboring network

devices using destination addresses. **(column 4, lines 57-65)**. It would have been obvious to one

of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of

Lafky and Dowling because Dowling's use of discovery protocol packets in Lafky's method

would allow for a computer system to discover network devices by sending discovery packets

throughout the network and receiving a response from the discovered devices.

8.   As per claim 2 Lafky initializing a port monitor upon a loading of said print subsystem,

said port monitor performing each of said transmitting step, said receiving step and said

identifying step **(abstract and column 1, line 55- column 2, line 5).**

9.   As per claim 3, Lafky teaches an operating system is a WINDOWS operating system

(column 1, lines 29-35).

10.   As per claim 4, Lafky teaches a WINDOWS operating system includes a print spooler for

initializing said port monitor and for performing said creating step **(column 1, lines 38-52).**

11.   As per claim 5, Lafky teaches said print spooler receives said printer-specific network

information for said first printer from said port monitor **(column 1, lines 62-67, column 5, lines**

8-12, and column 5, line 62-column 6, line 10).

12.   As per claim 7, Lafky fails to teach a discovery packet is a propriety broadcast message

to which only a printer of said designated type on said network will respond.

13.   However, Dowling teaches sending discovery packets to already known neighboring

network devices using the device type and SNMP agent addresses **(column 4, lines 57-60 and**

column 10, lines 57 – 67). It would have been obvious to one of the ordinary skill in the art at

the time of the applicant's invention to combine the teachings of Lafky and Dowling because

Dowling's use of sending discovery protocol packets to neighboring devices in Lafky's method

would allow for a computer system to discover neighboring network devices by sending

discovery packets throughout the network in order to locate a network printer.

14.   As per claim 8, this claim contains similar limitations as claim 1 above, therefore is

rejected under the same rationale.

15.   As per claim 10, this claim contains similar limitations to claims 1-5 above, therefore is

rejected under the same rationale.

16.   As per claim 12, Lafky teaches the step of invoking said WINDOWS print spooler

(abstract; printer program) to initialize said port monitor **(abstract)** occurs when said print

subsystem is loaded by said workstation **(abstract; plug and play manager).**

17.   Claims 6, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lafky

(U.S. Patent No. 6,809,830) in view of Dowling (U.S. Patent No. 6,636,499), and further view of

AAPA (Applicant Admitted Prior Art).

18.   As per claim 6, Lafky fails to teach printer-specific network information includes a

TCP/IP address and a MAC address.

19.   However, AAPA teaches that the printers include a machine access code (MAC) address

and/or TCP/IP address **(paragraph [0008]).** It would have been obvious to one of the ordinary

skill in the art at the time of the applicant's invention to combine the teachings of Lafky,

Dowling, and AAPA because AAPA's use of printers that contain machine access code (MAC)

address and/or TCP/IP addresses in Lafky and Dowling's method are required in order to create

a network port for the discovered network printer.

20.   As per claims 9 and 11, these claims contain similar limitations as claim 6 above,

therefore is rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

a.   Brockway et al (U.S. Patent No. 6,789,111); Automatic Detection of Installation

of Client Peripheral Devices by a Server.

b.   Agatone et al (U.S. Patent No. 5,852,744); Method for Discovering a Network

Printer by Assigning Dedicated Sockets to Different Printer Types and Polling the

Dedicated Sockets to Learn the Corresponding State.

    c.   White et al (U.S. Patent No. 6,301,012); Automatic Configuration of Network

Printer.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramsey M Refai whose telephone number is (571) 272-3975.

The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571)272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

                                        Ramsey M Refai
                                        Examiner
                                        Art Unit 2154

RMR
November 4, 2004